IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

CRP.No. 2501 of 1999(F)

AGAINST THE ORDER DATED 18/11/1997 IN CC.28/73/M5 of TALUK LAND BOARD, ERNAD

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REVN. PETITIONER:

STATE OF KERALA,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER

RESPONDENTS:
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1. KODALI KUNHIKADIYUMMA,
D/O. UNNIALI, MELAKKAM,
KARUVAMBRAM.

2. RAMLATH, D/O. ABOOBACKER HAJI,
POOLAKANNI HOUSE, CHERANI,
KARUVAMBRAM.

3. NASEEMA, D/O. ABOOBACKER HAJI,
POOLAKANNI HOUSE, CHERANI,
KARUVAMBRAM.

BY ADV. SRI.B.S.SWATHY KUMAR
SRI.K.G.RENGANATH

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 18/10/2007, THE COURT ON 18/10/2007 PASSED THE FOLLOWING:

P.R.RAMAN, J.

C.R.P. No. 2501 of 1999

Dated, this the 18th day of October, 2007

O R D E R

This Civil Revision Petition is filed challenging the order dated 18/11/1997 of the Taluk Land Board, Eranad in Ceiling Case No. 28/73/M5. The Taluk Land Board by order dated 22/11/1974 directed the land holder Shri.Kumaran Nair to surrender 15.84 acres of land as excess and an extent of 3.60 acres was taken possession. From out of the remaining extent to be taken possession, an extent of 9.75 acres is to be taken from Survey No.221/pt. of Narukara village. The Taluk Land Board in its order dated 18/11/1997 deleted an extent of 1.24 acres and another extent of 2.357 acres, totaling to 3.59 acres from that survey number. Thus what remains to be surrendered from the survey number is only 8.65 acres. The deletion was made based on the two petitions filed, under Section 85(8) of the Kerala Land Reforms Act, by the 1st respondent in respect of 1.24 acres and another petition filed by 2nd & 3rd respondents in respect of 2.357 acres. The Taluk Land Board observed that 85 petitions were disposed of based on the judgment in O.P. No. 13364/97. According to the State, respondents 2 & 3 have not filed any such petition before this Court. In other words, according to them, reference to

the O.P. No. 13364/97 in paragraph (2) while dealing with the case of Ramlath & Naseema is not correct. However, it is admitted that the 1st respondent has filed that original petition but not respondents 2 & 3. Going through the order of the Taluk Land Board, I find that O.P. No. 13364/97 is referred to both in paragraphs 1 & 2 and while perusing the judgment in OP No. 13364/97, it is noticed that there was only one petitioner, namely the 1st respondent herein. But learned counsel appearing for the respondents 2 & 3 submitted that the writ petition filed by his clients is actually OP No. 13374/1997. The copy of the order passed on the same date shows that there was another original petition as O.P.No. 13374/1997 filed by respondents 2 & 3 herein, wherein also a similar order is passed as in 13364/97, remanding the case for fresh consideration. Therefore, the objection now taken in the revisional memorandum is factually incorrect. The 1st respondent filed OP No. 13364/1997, whereas respondents 2 & 3 were filed OP No. 13374/1997. The Taluk Land Board also considered the matter on merits after evaluating the documentary evidence adduced by both the parties. In the circumstances, there is no merit in the Civil Revision Petition. Accordingly, the same is dismissed.

(P.R.RAMAN, JUDGE.)

jg